

MICHAEL N. FEUER, City Attorney, SBN 111529
ARTURO A. MARTINEZ,
Deputy Chief, Safe Neighborhoods & Gang Division, SBN 180355
JONATHAN CRISTALL, Assistant City Attorney, SBN 191935
LIRA FORMAN-ECHOLS,
Assistant Supervising Deputy City Attorney, SBN 184135
STEVEN GOLD, Deputy City Attorney, SBN 156075
200 North Main Street, Room 966, Los Angeles, California 90012
Telephone: (213) 978-4090 / Fax: (213) 978-8717
E-Mail: steven.gold@lacity.org

CONFORMED COPY
ORIGINAL FILED
Superior Court of California

DEC 07 2018

Sherri R. Carter, Executive Officer/Clerk
By: Cristina Grijalva, Deputy

Attorneys for Plaintiff

NO FEE – GOV'T CODE § 6103

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, CENTRAL DISTRICT

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

YADIRA MONGE aka YADIRA E. MONGE, an
individual; and DOES 1 through 50, inclusive,

Defendants.

Case No.

18STCV07621

COMPLAINT FOR ABATEMENT AND
INJUNCTION

[HEALTH & SAF. CODE SECTION
11570, ET SEQ.; CIVIL CODE
SECTION 3479, ET SEQ.]

(Unlimited Action)

PLAINTIFF, THE PEOPLE OF THE STATE OF CALIFORNIA, alleges as follows:

I. INTRODUCTION

1. This action ("Action") is brought and prosecuted by Plaintiff, the People of the State of California ("Plaintiff or "People"), for the purpose of abating a serious narcotics-related public nuisance that exists at a single family residence located at 9210 South Broadway, in the Broadway-Manchester neighborhood in South Los Angeles ("Property"). The captioned defendant ("Defendant") owns and resides at the Property and is involved in the narcotics activity at the location, which is right next door to a church.

1 2. The Property is a typical "drug house." Since on or around July 2018, when
2 criminal activity at the Property began attracting attention from law enforcement authorities, the
3 Los Angeles Police Department ("LAPD") has made five separate controlled
4 methamphetamine purchases from multiple different individuals residing at or otherwise
5 connected to the Property; has executed two search warrants there, netting two loaded pistols,
6 approximately 50 rounds of ammunition, approximately \$20,000 in cash and multiple ounces of
7 methamphetamine; and has investigated a near-fatal shooting that occurred there. Defendant,
8 in her capacity as the owner, rents out every available space in the dilapidated and chaotic
9 1233 square foot house on the Property, including the common areas such as what were
10 originally the kitchen and living room, as well as an open shack in the rear yard which features
11 a presumably unauthorized outdoor toilet. Approximately a dozen people were living in this
12 fashion in the refuse-strewn Property as of early November 2018.

13 3. Prominent amongst these occupants of the Property are multiple
14 methamphetamine users and/or sellers, *including Defendant*, who was recently arrested there
15 for possession of methamphetamine for sale. Rampant meth use and sales at the Property in
16 turn attract a larger network of disorderly and criminally inclined individuals there, who come
17 and go as they please, congregate in conspicuous numbers in the Property's front yard and
18 move between and amongst the Property, the adjacent sidewalk, and cars that are perpetually
19 parked on the street in front of the Property and used as hangouts by the crowd the Property
20 attracts. Some of the individuals who occupy or frequent the Property are armed with guns or
21 otherwise inclined to violence, so when the inevitable quarrels or disputes arise amongst those
22 "hanging out" and partying at and around the Property, gunfire can erupt, as occurred on July
23 15, 2018, when an individual was shot at the Property and nearly died.

24 4. This toxic and volatile situation is made all the more critical by the fact that an
25 infant and a four year-old child, as well as an infirm elderly person, were living in various rooms
26 at the Property as recently as early November 2018. Moreover, as noted, the Property is *next*
27 *door* to a church that has services and other programs most days of the week.

28 ///

1 5. A series of reported criminal incidents at the Property since this past summer
2 includes but is not limited to the following:

3 a. On July 4, 2018, a witness told LAPD officers that a shots-fired suspect
4 had fled into the Property. During their investigation the officers detained and then
5 arrested a resident of the Property who was wanted for an attempted murder that
6 occurred elsewhere.

7 b. On July 15, 2018, a male rode up to the Property's front gate on a bike at
8 approximately 3:00 a.m., argued with someone else standing on the Property about a
9 debt, and then shot the person with whom he was arguing, saying, "Now we're even."
10 The victim was found by responding officers at the end of blood trail running through the
11 Property's south side yard, and nearly died from blood loss from the gunshot wound.

12 c. On August 7, 2018, a resident of the Property stepped out of one of the
13 cars habitually parked in front of the Property, approached a female who was present
14 there, lifted his shirt to reveal a gun in his waistband, threatened the female, and then
15 walked into the Property. Shortly thereafter, the female victim flagged down officers
16 responding to an unrelated crime call around the corner from the Property. Those
17 officers then proceeded to the Property to investigate, and found the Property resident
18 who made the threats sitting in the same car. The officers arrested him for making
19 criminal threats, searched the car, and found a gun.

20 6. Based on the aforementioned August 7, 2018, incident, LAPD obtained a warrant
21 to search the Property that same day. Searching officers found another resident in his room at
22 the Property with approximately one ounce of methamphetamine, a revolver, and about 50
23 rounds of ammunition including hollow point bullets for the revolver. The resident was arrested
24 for possession of a controlled substance while armed.

25 7. After the foregoing search warrant, LAPD further investigated narcotics activity at
26 the Property and was able to use informants to purchase methamphetamine at the Property
27 essentially at will, conducting *five* separate controlled buys at or otherwise connected to the
28 Property between October 3 and November 8, 2018.

1 8. Immediately after the last buy on November 8, LAPD executed *another* search
2 warrant at the Property – the second in three months. Amongst the seven individually rented
3 rooms inside the Property, Officers found approximately an ounce of methamphetamine in
4 *Defendant's* room, as well as a digital scale, an extended pistol magazine, and approximately
5 \$20,000 in cash. In another bedroom, they found another ounce (approximately) of
6 methamphetamine, as well as two digital scales and numerous zip-lock baggies. The
7 occupant of this bedroom had an additional one-eighth of an ounce of meth in her pocket. In a
8 third room -- occupied by the same person who was arrested with methamphetamine and a
9 gun after the earlier search warrant in August – the officers found a loaded gun. Two vehicles
10 parked on the street in front of the Property were also searched: a sedan contained
11 approximately one ounce, and a pickup truck contained approximately an eighth-ounce, of
12 methamphetamine. Multiple arrests ensued, including of the Defendant for possession of
13 methamphetamine for sale.

14 9. At the time of the November 8 search warrant, Defendant claimed not to even
15 know the names of many of the people who were paying her a few hundred dollars per month,
16 without written leases, to live in the mostly tiny, grimy rooms in her home, referring to them
17 instead by nicknames like “El Mencho” or “El Gordo.” Some apparent occupants of the
18 property encountered during the warrant had reportedly been staying there for only a week or
19 so. Others reportedly had been living there for years.

20 10. Defendant's anarchic oversight of the Property – devoid of any normal indicia of
21 private property ownership – not to mention her own personal participation in the narcotics
22 activity at the Property, naturally and foreseeably produces the crime and disorder that
23 continue to swirl around the Property up to the present, even after the second search warrant
24 and multiple arrests on November 8, 2018, much to the detriment of the surrounding
25 neighborhood, and law enforcement authorities that have had to devote scarce public
26 resources to address the Property's noxious effects. This nuisance abatement prosecution is
27 intended to bring that unacceptable, volatile and dangerous state of affairs to a swift and
28 permanent halt.

II. THE PARTIES AND THE PROPERTY

A. Plaintiff

11. Plaintiff, the People, is the sovereign power of the State of California designated in Health and Safety Code section 11571 and Code of Civil Procedure section 731 to be the complaining party in public law enforcement actions brought to abate, enjoin and penalize public nuisances.

B. The Defendant

12. Defendant Yadira Monge ("Defendant"), age 54, owns the Property, and has since at least 1994. Defendant lives at the Property, in one of its rooms. She personally oversees the process by which other people come to be living in the various other rooms at the Property, and sets and collects the "rent" payments made by these other Property occupants. Defendant also personally engages in narcotics nuisance activity at the Property herself, and directly or indirectly permits such activity by other persons on the Property.

13. The true names and capacities of defendants sued herein as Does 1 through 50, inclusive, are unknown to Plaintiff, who therefore sues said defendants by such fictitious names. When the true names and capacities of said defendants have been ascertained, Plaintiff will ask leave of the court to amend this complaint and to insert in lieu of such fictitious names the true names and capacities of said fictitiously named defendants.

C. The Property

14. The Property's common address is 9210 South Broadway, Los Angeles, CA 90003.¹ The small, ostensibly 2-bedroom house on the Property is set back from the property line, forming a large front yard on which minimally operable recreational vehicles have occasionally been parked and rented out by Defendant as dwellings, in addition to renting the seven rooms that have been carved out of the Property's interior, plus a semi-enclosed back yard shack in which a person also seemed to be living in early November 2018. The

¹ The Property's legal description is: "Lot 3 of Tract 4209, in the City of Los Angeles, State of California, as per map recorded in Book 46, Page 59, of Maps, in the office of the County Recorder of Los Angeles County," APN 6040039003.

Property's physical appearance is conspicuously rundown, with various types of refuse strewn or collected throughout the Property's interior and exterior spaces. There is frequent foot traffic in and out of the Property, with regularly visible groups of people hanging out on the Property's small front porch, front yard, on the adjacent sidewalks, and in and around cars, vans and trucks parked directly in front of the Property, whose drivers and their associates are part of the dynamic anchored by the Property. The Google Maps Street View image of the Property is as follows:



15. The Property has a reputation in the community as a location where illegal narcotics are used, stored and readily available for walk-up purchase by users at all or most times of the day. The street-level drug sales routine that the Property houses and supports is open, notorious, ongoing and continuous. For instance, in a recent episode, *after* the November 8 search warrant and arrests, a uniformed LAPD officer watched a hand-to-hand

1 drug transaction occur at the Property while he was conspicuously standing about 15 yards
2 from the Property writing a citation, in close proximity to his patrol car.

3 4 **III. THE NARCOTICS ABATEMENT LAW**

5 16. Since its enactment in 1972, the principal purpose of the Narcotics Abatement
6 Law ("NAL")(Health & Saf. Code, § 11570, et seq.) is the abatement of buildings and places
7 "used for the purpose of unlawfully selling, serving, storing, keeping, manufacturing, or giving
8 away any controlled substance, precursor, or analog specified in this division" (Health &
9 Saf. Code, § 11570).

10 17. The NAL provides that every building or place used for the purpose of unlawfully
11 selling, serving, storing, keeping, manufacturing, or giving away any controlled substance,
12 precursor, or analog *inter alia*, "is a nuisance which **shall** be enjoined, abated, and
13 prevented . . . whether it is a public or private nuisance." (Health & Saf. Code, § 11570
14 [emphasis added]; *People ex rel. Lungren v. Peron* (1997) 59 Cal.App.4th 1383, 1389; *Lew v.*
15 *Superior Court* (1993) 20 Cal.App.4th 866, 870-871.)

16 18. Health and Safety Code section 11571 authorizes a city attorney to bring an
17 action to abate, prevent and perpetually enjoin such nuisances. It provides in relevant part:
18 "Whenever there is reason to believe that a nuisance as described in Section 11570 is kept,
19 maintained, or exists in any county, the district attorney of the county, or the city attorney of
20 any incorporated city or of any city and county, in the name of the people, may . . . maintain an
21 action to abate and prevent the nuisance and perpetually to enjoin the person conducting or
22 maintaining it, and the owner, lessee, or agent of the building or place in or upon which the
23 nuisance exists from directly or indirectly maintaining or permitting the nuisance."

24 19. Health and Safety Code section 11573(a) provides that: "If the existence of the
25 nuisance is shown in the action to the satisfaction of the court or judge, either by verified
26 complaint or affidavit, the court or judge **shall** allow a temporary restraining order or injunction
27 to abate and prevent the continuance or recurrence of the nuisance." (Emphasis added.) In
28 addition, Health and Safety Code section 11581 provides, as an additional remedy, for the

1 removal and sale of all fixtures and movable property on the premises used in aiding or
2 abetting the nuisance and for the closure of the building for up to one year.

3 4 **III. THE PUBLIC NUISANCE LAW**

5 20. "Abatement of nuisances is a long established and well recognized exercise of
6 the state's police power." (People ex rel. Hicks v. Sarong Gals (1974) 42 Cal.App.3d 556, 563;
7 People ex rel. Bradford v. Barbieri (1917) 33 Cal.App. 770, 775-778.) Civil Code section 3479
8 defines a nuisance as "[a]nything which is injurious to health, including, but not limited to, the
9 illegal sale of controlled substances, or is indecent or offensive to the senses, or an obstruction
10 to the free use of property, so as to interfere with the comfortable enjoyment of life or property .
11 . . ." (Bakersfield v. Miller (1966) 64 Cal.2d 93, 99 ["The Legislature has defined in general
12 terms the word 'nuisance' in Civil Code section 3479"].)

13 21. Civil Code section 3480 defines a public nuisance as "one which affects at the
14 same time an entire community or neighborhood, or any considerable number of persons,
15 although the extent of the annoyance or damage inflicted upon individuals may be unequal."
16 In particular, drug dealing, loitering, consumption of alcohol and illegal drugs, and boisterous
17 conduct which creates a hooligan-like "atmosphere" constitutes a public nuisance. (People ex
18 rel. Gallo v. Acuna (1997) 14 Cal.4th 1090, 1120.)

19 22. Under Civil Code section 3491, "The remedies against a public nuisance are: 1.
20 Indictment or information; 2. A civil action; or, 3. Abatement." "An abatement of a nuisance is
21 accomplished by a court of equity by means of an injunction proper and suitable to the facts of
22 each case." (Sullivan v. Royer (1887) 72 Cal. 248, 249.)

23 23. Code of Civil Procedure section 731 authorizes a city attorney to bring an action
24 to enjoin or abate a public nuisance. It provides, in pertinent part, "A civil action may be
25 brought in the name of the people of the State of California to abate a public nuisance . . . by
26 the city attorney of any town or city in which the nuisance exists." (Ibid.)

27 ///

28 ///

1 **IV. FIRST CAUSE OF ACTION FOR NARCOTICS ABATEMENT**

2 **[Health and Safety Code Section 11570, *et seq.* --**

3 **Against Defendant and DOES 1 through 50]**

4 24. Plaintiff hereby incorporates by reference paragraphs 1 through 23 of this
5 Complaint and makes them part of the First Cause of Action, as if fully set forth herein.

6 25. The Property has been used since approximately the middle of 2018, and is
7 *currently* being used, for the purposes of unlawfully selling, serving, storing, keeping,
8 manufacturing or giving away controlled substances in violation of Health and Safety Code
9 section 11570, *et seq.* Further, the Property's community reputation is as a narcotics sales
10 location.

11 26. Defendant, and DOES 1 through 50 (hereinafter "Defendants," collectively), are
12 responsible for conducting, maintaining, and/or directly or indirectly permitting the nuisance as
13 alleged herein. Plaintiff has no plain, speedy and adequate remedy at law and unless
14 Defendants are restrained and enjoined by order of this Court, they will continue to use,
15 occupy and maintain, and/or to aid, abet or permit, directly or indirectly, the use, occupation
16 and maintenance of the Property, together with the fixtures and appurtenances located therein,
17 for the nuisance complained of herein, to the great and irreparable damage of the public and in
18 violation of California law.

19
20 **V. SECOND CAUSE OF ACTION FOR PUBLIC NUISANCE**

21 **[Civil Code section 3479, *et seq.***

22 **Against Defendant and DOES 1 through 50]**

23 27. Plaintiff incorporates by reference Paragraphs 1 through 26 of this Complaint and
24 makes them part of this Second Cause of Action as though fully set forth herein.

25 28. From an exact date unknown but at least since approximately the middle of 2018,
26 through the present time, Defendants, have alternately owned, operated, managed and used,
27 and/or directly or indirectly permitted to be occupied and used, the Property in such a manner
28 as to constitute a public nuisance in accordance with Civil Code sections 3479 and 3480. The

1 public nuisance, as described herein, is injurious to health, indecent or offensive to the senses,
2 and/or an obstruction to the free use of property, so as to substantially and unreasonably
3 interfere with the comfortable enjoyment of life or property by those persons living in the
4 surrounding community. The public nuisance consists of, but is not limited to, blatant narcotics
5 activity at the Property; the regular, menacing, and intimidating, presence of disorderly, violent
6 and/or criminally inclined individuals at and around the Property; and the illegal presence of
7 firearms and the occurrence of gunfire on or around the Property that has resulted in injury to
8 persons on and around the Property.

9 29. Defendants, in owning, conducting, maintaining, and/or permitting the use of the
10 Property, directly or indirectly, as a public nuisance, have engaged in wrongful conduct and
11 caused a serious threat to the general health, safety and welfare of the law-abiding tenants at
12 the Property and persons in the area surrounding the Property.

13 30. Unless Defendants are restrained and enjoined by order of this Court, they will
14 continue to use, occupy and maintain, and to aid, abet or permit, directly or indirectly, the use,
15 occupation, and maintenance of the Property, together with the fixtures and appurtenances
16 located therein, for the purpose complained of herein, to the great and irreparable damage of
17 Plaintiff and in violation of California law.

18
19 **PRAYER**

20 **WHEREFORE, PLAINTIFF PRAYS THAT THIS COURT ORDER, ADJUDGE AND**
21 **DECREE AS FOLLOWS:**

22 **AS TO THE FIRST CAUSE OF ACTION:**

23 1. That Defendants, and the Property, be declared in violation of Health and Safety
24 Code section 11570, et seq.

25 2. That the Property, together with the fixtures and moveable property therein and
26 thereon, be found to constitute a public nuisance and be permanently abated as such in
27 accordance with Section 11581 of the California Health and Safety Code.

28 **///**

1 3. That the Court grant a preliminary injunction, permanent injunction and order of
2 abatement in accordance with Section 11570, et. seq. of the California Health and Safety
3 Code, enjoining and restraining Defendants and their agents, officers, employees and anyone
4 acting on their behalf, from unlawfully selling, serving, storing, keeping, manufacturing, or
5 giving away controlled substances on the Property, and/or directly or indirectly maintaining or
6 permitting such nuisance activity.

7 4. That as part of a Judgment, an Order of Abatement be issued, and that the
8 Property be closed for a period of one year, not to be used for any purpose, and be under the
9 control and custody of this Court for said period of time; in the alternative, if the Court deems
10 such closure to be unduly harmful to the community, that Defendants pay an amount of
11 damages equal to the fair market rental value of the Property for one year to the City or County
12 in whose jurisdiction the nuisance is located in accordance with Health and Safety Code
13 section 11581 subdivision (c)(1).

14 5. That the court order physical and managerial improvements to the Property in
15 accordance with Health and Safety Code section 11573.5, and such orders as are otherwise
16 appropriate, to remedy the nuisance on the Property and enhance the abatement process,
17 including but not limited to, the following: improved lighting; sufficiently secure gating and
18 fencing; prohibition, or limits on the number, of rooms being offered for rent in the house
19 consistent with applicable laws and other health and safety considerations; exclusive use of
20 written leases; improved tenant screening and lease enforcement procedures; prohibition on
21 the use of video counter-surveillance systems; prohibition on the parking of recreational
22 vehicles in the Property's front yard; and removal of trash, refuse and overgrown vegetation, if
23 any.

24 6. That Defendants each be assessed a civil penalty in an amount not to exceed
25 twenty-five thousand dollars (\$25,000.00).

26 ///

27 ///

28 ///

1 7. That all fixtures and moveable property used in conducting, maintaining, aiding or
2 abetting the nuisance at the Property be removed by the LAPD and sold in the manner
3 provided for the sale of chattels under execution. Said fixtures and property shall be
4 inventoried and a list prepared and filed with this court.

5 8. That there shall be excepted from said sale, such property to which title is
6 established in some third party not a defendant, nor agent, officer, employee or servant of any
7 defendant in this proceeding.

8 9. That the proceeds from said sale be deposited with this court for payment of the
9 fees and costs of sale. Such costs may occur in removal of said property and in closing said
10 Property and keeping it closed.

11 10. That if the proceeds of the sale do not fully discharge all such costs, fees and
12 allowances, the Property shall also be sold under execution issued upon the order of the court
13 or judge and the proceeds of such sale shall be applied in a like manner. That any excess
14 monies remaining after payment of approved costs shall be delivered to the owner of said
15 Property. Ownership shall be established to the satisfaction of this court.

16 11. That Defendants, and any agents, trustees, officers, employees and anyone
17 acting on their behalf, and their heirs and assignees, be perpetually enjoined from transferring,
18 conveying, or encumbering any portion of the Property, for consideration or otherwise, without
19 first obtaining the Court's prior approval.

20 12. That Defendants be ordered to immediately notify any transferees, purchasers,
21 commercial lessees, or other successors in interest to the subject Property of the existence
22 and application of any temporary restraining order, preliminary injunction, or permanent
23 injunction to all prospective transferees, purchasers, commercial lessees, or other successors
24 in interest, *before* entering into any agreement to sell, lease or transfer the Property, for
25 consideration or otherwise, all or any portion of the Property that is the subject of this action.

26 13. That Defendants be ordered to immediately give a complete, legible copy of any
27 temporary restraining order and preliminary and permanent injunctions to all prospective
28 transferees, purchasers, lessees, or other successors in interest to the Property.

1 14. That Defendants be ordered to immediately request and procure signatures from
2 all prospective transferees, purchasers, lessees, or other successors in interest to the subject
3 Property, which acknowledges his/her respective receipt of a complete, legible copy of any
4 temporary restraining order, preliminary and permanent injunction, and deliver a copy of such
5 acknowledgment to the Los Angeles City Attorney's Office, c/o Deputy City Attorney Steven
6 Gold or his designee.

7 15. That Plaintiff recover the costs of this action, including law enforcement
8 investigative costs and any fees, including attorneys' fees, authorized by law, not to exceed
9 \$1,000,000.00, from Defendants.

10 AS TO THE SECOND CAUSE OF ACTION

11 1. That the Property, together with the fixtures and moveable property therein and
12 thereon, be declared a public nuisance and be permanently abated as such in accordance with
13 Civil Code section 3491.

14 2. That Defendants, and their agents, officers, employees, and anyone acting on
15 their behalf, and their heirs and assignees, be preliminarily and perpetually enjoined from
16 operating, conducting, using, occupying, or in any way permitting the use of the Property as a
17 public nuisance. Such orders should include, but not be limited to, physical and managerial
18 improvements to the Property and such other orders as are appropriate to remedy the
19 nuisance on the Property and enhance the abatement process.

20 3. Such costs as may occur in abating said nuisance at the Property and such other
21 costs as the Court shall deem just and proper.

22 4. That Plaintiff be granted such other and further relief as the Court deems just and
23 proper, including closure and/or demolition of the Property.

24 AS TO ALL CAUSES OF ACTION

25 1. That Plaintiff recover the amount of the filing fees and the amount of the fee for
26 the service of process or notices which would have been paid but for Government Code
27 section 6103.5, designating it as such. The fees may, at the Court's discretion, include the
28 amount of the fees for certifying and preparing transcripts.

1 2. That Plaintiff be granted such other and further relief as the Court deems just and
2 proper, including the appointment of a receiver to carry the Court's judgment into effect.
3

4 DATED: December 7, 2018

Respectfully submitted,

5 MICHAEL N. FEUER, City Attorney
6 JONATHAN CRISTALL, Assistant City Attorney

7
8 By: 

9 STEVEN GOLD
10 Deputy City Attorney
11 Attorneys for Plaintiff, THE PEOPLE OF THE STATE
12 OF CALIFORNIA
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28